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AD HOC GROUP ON THE BERLIN MANDATE
Fifth session
Geneva, 9-13 December 1996
Item 1 (a) of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Executive Secretary

I. INTRODUCTION

1. Arrangements have been made for the fifth session of the Ad Hoc Group on the Berlin Mandate (AGBM) to be held at the Palais des Nations, Geneva, from 9 to 13 December 1996. The session will be opened by the Chairman at 10 a.m. on Monday, 9 December 1996, in conference room XIX. The afternoon of Monday, 9 December will be dedicated to an informal round table on the proposals submitted by Parties.

2. The AGBM, at its fourth session, concluded that valuable progress had been made over the past year but that "much work still needed to be done and the AGBM must now intensify its efforts to complete a new legal instrument in time for adoption by the Conference of the Parties at its third session (COP 3)". It was further concluded that the analysis and assessment process should continue but that "the emphasis of the work of the AGBM must now move progressively towards negotiation, as mandated by decision 1/CP.1" (FCCC/AGBM/1996/8/paras. 35-36).

3. The Conference of the Parties at its second session (COP 2) took note of the Geneva Ministerial Declaration which commanded a very wide consensus among ministers and other heads of delegation attending the Conference but gave rise to some concern or difficulties

for some delegations. (For the text of the Declaration, see the annex to FCCC/CP/1996/15/Add.1; for the proceedings of the Conference, see FCCC/CP/1996/15, para. 40; for the views expressed by delegations, see FCCC/CP/1996/15, annex IV.) The Ministers and other heads of delegations, through the Declaration, expressed the view that the Second Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) "should provide a scientific basis for urgently strengthening action at the global, regional and national levels, particularly action by Annex I Parties to limit and reduce emissions of greenhouse gases, and for all Parties to support the development of a Protocol or another legal instrument." Furthermore they "call[ed] on all Parties to come forward with proposals to facilitate substantive negotiations beginning at the fifth session of the AGBM." In addition, they "instruct[ed] their representatives to accelerate negotiations on the text of a legally-binding protocol or another legal instrument to be completed in due time for adoption at [COP 3]. The outcome should fully encompass the remit of the Berlin Mandate." Specific elements of the Declaration that are relevant to provisional agenda items are found in paragraphs 8 and 10 of the Declaration.

II. PROVISIONAL AGENDA

4. The provisional agenda for the fifth session of the AGBM, proposed after consultation with the Chairman, is as follows:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Organization of the work of the session;
   (c) Organization of the work of future sessions.

3. Strengthening the commitments in Article 4.2(a) and (b):

   (a) Policies and measures;
   (b) Quantified emission limitation and reduction objectives within specified time-frames.

4. Continuing to advance the implementation of existing commitments in Article 4.1.

5. Possible features of a protocol or another legal instrument.

6. Report on the session.

III. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Opening of the session

5. The fifth session of the Ad Hoc Group on the Berlin Mandate (AGBM) will be opened by the Chairman at 10 a.m. on Monday, 9 December 1996 in conference room XIX.

2. Organizational matters

(a) Adoption of the agenda

6. The provisional agenda for the fifth session of the AGBM is presented for adoption (see para. 4 above).

(b) Organization of the work of the session

(i) Documentation

7. A list of documents relating to the provisional agenda, as well as other documents available at the session, is contained in annex I below.

8. In accordance with the conclusions of the AGBM at its fourth session (see FCCC/AGBM/1996/8, paras. 37-38), the main documents for the session will consist of the proposals submitted by Parties prior to COP 2 (FCCC/1996/AGBM/MISC.2 and Add.1) and any submitted prior to 15 October 1996 (FCCC/1996/AGBM/MISC.2/Add.2) as well as the synthesis of these proposals prepared by the Chairman (FCCC/AGBM/1996/10).

(ii) Schedule

9. The scheduling of meetings for the session will be based on the availability of facilities during normal working hours, when services are available for one meeting with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. There will also be some facilities for informal meetings without interpretation. Delegations are urged to use these facilities fully by starting all meetings promptly at the scheduled time. A suggested approach to the organization of work is contained in annex II below.

10. The afternoon of Monday, 9 December has been set aside for an informal round table discussion of the proposals submitted by Parties (FCCC/AGBM/1996/MISC.2/and Add.1 and 2), with an emphasis on those received since the fourth session of the AGBM. Submitting Parties will have the opportunity to present and discuss their proposals, followed by comments, questions and discussions.

11. An informal consultation will be convened by the Chairman on the margins of the session to discuss the question of the impacts on developing countries of new commitments by Annex I Parties to limit and reduce emissions and to consider what analysis and assessment is necessary in this regard.

(c) Organization of the work of future sessions

12. It may be useful to look ahead to the programme and structure of the work of future sessions of the AGBM in the light of the conclusions reached at the fifth session and the limited time that remains before COP 3. The Chairman will provide an oral report on the decisions of the Bureau of the COP relating to the schedule of meetings under the Convention in 1997.

13. The AGBM may also wish to consider the timetable for the preparation and consideration of a negotiating text.

14. This item will provide an opportunity to take stock of the magnitude of the overall package of requests to the secretariat and other bodies to confirm that it can be delivered in the short time before the sixth session (3-7 March 1996). In view of this time constraint, the secretariat considers that it would be able to prepare, in addition to the provisional agenda and annotations, at most, one substantive document for the sixth session.

3. Strengthening the commitments in Article 4.2(a) and (b)

(a) Policies and measures

15. In addition to the documents mentioned in annex I below, the AGBM is expected to have before it a technical paper on policies and measures from the Intergovernmental Panel on Climate Change. An oral progress report from the Chairman of the Annex I Experts Group on the UNFCCC is also anticipated.

16. Further to its discussions at the fourth session, the AGBM may wish to concentrate its efforts on further defining the approach to the elaboration of policies and measures that will characterize the protocol or another instrument to be adopted at COP 3. Two general approaches have been identified to date - a menu of options approach and a mandatory policies and measures approach (see FCCC/AGBM/1996/8, para. 16). In this context, issues such as the breadth of any menu, the degree of compulsion to implement particular policies and measures, possible methods for categorizing policies and measures, harmonization or coordination of policies and measures, priority policies and measures, and review and/or coordination mechanisms could be addressed.

(b) Quantified emission limitation and reduction objectives

17. In resuming its consideration of this sub-item, the AGBM may wish to address the issues regarding QELROs identified in the report of the last session (FCCC/AGBM/1996/8, para. 18):

(a) The levels of emissions reductions, and criteria for their choice;

(b) Whether QELROs should be legally binding or not;

(c) Whether multi-Party or single-Party obligations should be pursued;

(d) What should be the base and target years;

(e) The socio-economic and environmental costs and benefits for all Parties, including developing country Parties; and

(f) The effect on atmospheric greenhouse gas concentrations.

18. The Subsidiary Body for Scientific and Technological Advice (SBSTA), at its third session, invited the AGBM, should it deem fit, to consider the implications of methodological issues, such as those considered in documents FCCC/SBSTA/1996/9 and Add. 1 and 2 (for examp'e, emissions from bunkers, electricity trading, land-use change emissions, temperature adjustments).

4. Continuing to advance the implementation of existing commitments in Article 4.1

19. The AGBM, at its fourth session, deferred consideration of this item until the fifth session. The Group may wish to focus on what new actions, if any, are necessary and what would be the modalities surrounding them, especially in terms of how they would be reflected in the protocol or another legal instrument to be adopted at COP 3.

5. Possible features of a protocol or another legal instrument

20. The AGBM, at its third and fourth sessions, held productive discussions of the possible features of a protocol or another legal instrument, including institutional questions. Until the nature of the final commitments becomes clearer, it may be difficult to take the discussion of possible features of a protocol or another legal instrument much further, especially with regard to institutions. Nevertheless, there are a number of questions about the features of the agreement that the AGBM may wish to address that relate directly to the commitments and which may not be taken up under other agenda items. These include:

(a) Issues pertaining to the structure of the commitments, including the role of annexes;

(b) The design of any process for the communication and review of information, including the review of implementation, bearing in mind the earlier support by the AGBM for a single process for the communication and review of information (see FCCC/AGBM/1996/8, para. 28);

(c) The need for, and nature of, any compliance procedure or mechanism as well as any linkage with Article 13 of the Convention and the work of the Ad Hoc Group on Article 13 (see FCCC/CP/1996/15/Add.1, decision 5/CP.2);

(d) The nature of any mechanism to review the commitments over time; and

(e) The threshold for entry into force.

6. Report on the session

21. The relatively short length of the session, as well as the nature and timing of the discussion, may affect the extent to which a draft text of the report on the work of the session could be available at the end of the session. The AGBM may wish to adopt decisions or texts of substantive conclusions under the relevant items and sub-items of the agenda and, as at the first session, authorize the Rapporteur to complete the report after the session, under the guidance of the Chairman and with the assistance of the secretariat. While every effort will be made to have conclusions available in all languages, this can only be possible if sufficient time is available for translation.

Annex I

DOCUMENTS BEFORE THE AD HOC GROUP ON THE BERLIN MANDATE AT ITS FIFTH SESSION

Documents prepared for the session

FCCC/AGBM/1996/9	Provisional agenda and annotations
FCCC/AGBM/1996/10	Synthesis of proposals: note by the Chairman
FCCC/AGBM/1996/MISC.2/Add.2	Implementation of the Berlin Mandate: proposals from Parties.

Other documents for the session

FCCC/AGBM/1996/8	Report of the Ad Hoc Group on the Berlin Mandate on the work of its fourth session, held at Geneva from 11-16 July 1996
FCCC/CP/1996/15 and Add.1	Report of the Conference of the Parties on its second session, held at Geneva from 8-19 July 1996
FCCC/AGBM/1996/MISC.2 and Add.1	Implementation of the Berlin Mandate: proposals from Parties

Other documents available at the session for reference purposes

All AGBM documents as well as the Second Assessment Report of the IPCC and the second compilation and synthesis of national communications from Annex I Parties will be available for reference purposes.

Annex II

PROPOSED SCHEDULE OF WORK FOR THE FIFTH SESSION OF THE AD HOC GROUP ON THE BERLIN MANDATE

	Monday 9 December	Tuesday 10 December	Wednesday 11 December	Thursday 12 December	Friday 13 December
10 a.m. to 1 p.m.	Items 1 2 (a) 2 (b)	Item 3 (a)	Item 4	Informals	Informals
3 p.m. to 6 p.m.	Round table on proposals by Parties	Item 3 (b)	Item 5	Informals	Items 2 (c) 6

Items from the provisional agenda:

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